

### **REMARKS**

The office action of September 7, 2007 (the Office Action) has been reviewed and these remarks are responsive thereto. Claims 14-27, 37-40 and 49-55 are pending in this application. By this amendment, claims 47 and 48 have been cancelled without prejudice or disclaimer, claims 14 and 19 have been amended, and new claims 49-55 have been added. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Examiner Interview***

Applicants thank Examiner Bautista for the courtesies extended to the undersigned during the personal interview of 27 November 2007. During the interview, the pending claims were generally discussed with particular reference to independent claim 14 and the term "window." Potential claim amendments were also discussed to modify the term "window" to recite a "time window," which should overcome the outstanding rejections.

Accordingly, Applicants have amended independent claims 14 and 19 to recite a "time window."

The outstanding restriction requirement was also reviewed with respect to claims 48 and 49, which are directed to an apparatus. It was discussed that new apparatus claims could properly be added for examination along with the present claims, provided that any new independent apparatus claims would generally include subject matter similar to the pending independent method and computer-readable medium claims.

Accordingly, Applicants have cancelled apparatus claims 47 and 48 directed to non-elected subject matter and have added new independent apparatus claim 53, which is directed to subject matter similar to what is recited in independent claims 14 and 19. New claims 49-52 and 54-55 have also been added, which depend from independent claims 14, 19 and 53.

#### ***Objections to the Specification***

The Office Action objects to the Specification for failing to explicitly provide antecedent basis for the phrase "computer-readable medium" as recited in claims 19-23 and 37-40.

With respect to the term "server," the paragraph beginning at page 10, line 17 of the specification as originally filed (paragraph [0047] of the published application) has been

amended to explicitly state, “As is known in the art, servers (e.g., server 108 and server 151 discussed below) generally include a processor, a communications interface for interacting with other devices, and a computer-readable medium having computer-readable instructions (e.g., software) stored thereon.” Applicants respectfully submit that this subject matter is clearly implied by the term “server” as used in the application and as understood by persons having ordinary skill in the art.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this objection.

### ***Rejections under 35 U.S.C. § 103***

Claims 14-27 and 37-40 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. patent no. 6,058,379 to Odom et al. (Odom) in view of U.S. patent publication no. 2002/0049833 to Kikinis (Kikinis).

Independent claims 14 and 19 each recite subject matter pertaining to recognizing first transmission and reception capabilities of a first client device with a server and recognizing second transmission and reception capabilities of a second client device with the server, as well as to configuring the real-time interactive content according to the first and second transmission and reception capabilities to ensure the first and second client devices each have an adequate time window to respond to the real-time interactive content. At least this subject matter as recited in independent claims 14 and 19 is not taught or suggested by the cited prior art.

The Office Action asserts, “Kikinis teaches that the translation of the web page and its transmission is in accordance to the capabilities of the client device.” Office Action, page 6, lines 19-20. However, the Office Action does not assert, and Kikinis fails to disclose, the claimed subject matter pertaining to recognizing first and second transmission and reception capabilities with a server of first and second client devices and to configuring real-time interactive content according to the first and second capabilities to ensure the first and second devices each have an adequate time window to respond to the real-time interactive content.

In contrast, rather than teaching recognition of device capabilities with a server, Kikinis teaches that either the user must identify the type and functionality of the client device, which is matched to the user’s log-in ID, or the “user’s device transfers the list of available features to the

enhanced server.” Kikinis, page 9, paragraph 108, lines 7-8. In other words, Kikinis teaches that the user pre-identifies the functionality of the client device, which is tied to his log-in ID, or the user’s device must identify its functionality to the enhanced server of Kikinis. However, Kikinis fails to teach the inventive subject matter of recognizing the transmission and reception capabilities of a first and second client device with a server as recited in independent claims 14 and 19.

Further, Kikinis teaches providing data in “a reduced-content form adapted specifically to the client device.” Abstract. However, Kikinis fails to teach the inventive subject matter pertaining to configuring real-time interactive content according to transmission and reception capabilities with a server of first and second devices to ensure the first and second devices each have an adequate time window to respond to the real-time interactive content, as recited in independent claims 14 and 19.

Odom does not overcome these deficiencies of Kikinis nor was it relied upon to do so.

For at least these reasons, Applicants respectfully submit that independent claims 14 and 19, as well as claims 15-18, 20-27 and 37-40 depending therefrom, are allowable over the cited prior art.

#### ***New claims 49-55***

New independent claim 53 recites subject matter similar to independent claims 14 and 19. Accordingly, Applicants respectfully submit that independent claim 53 is allowable for similar reasons as independent claims 14 and 19 discussed above.

New claims 49-52, 54 and 55 depend from independent claims 14, 19 and 53. Applicants respectfully submit that these claims are allowable along with their base claims and further in view of novel features recited therein.

**CONCLUSION**

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully submitted,  
  
BANNER & WITCOFF, LTD.

Dated: January 7, 2008  
  
1100 13<sup>th</sup> Street, N.W.  
Washington, D.C. 20005-4051  
Tel: (202) 824-3000  
Fax: (202) 824-3001

By: /Anthony W. Kandare/  
Anthony W. Kandare, reg. no. 48,830